

NOW, THEREFORE, BE IT ORDAINED, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

SECTION 1

That Chapter 34, Article X Definitions, Section 34-241, be amended by adding to the end of the definition of *Bed and Breakfast* the following sentence:

This category and definition shall include any online home rental services for transient occupancy, including AirBnB and other similar online and social media home sharing or room sharing services, provided that the room offered for lease or sharing is within an existing legally occupied dwelling unit.

SECTION 2

That Chapter 34, Article X Definitions, Section 34-241, be amended by adding to the end of the definition of *Kennel* the following terms:

“but this definition shall not include any business that meets the definition of Dog Kennel/Dog Daycare.”

SECTION 3

That Chapter 34, Article X Definitions, Section 34-241, be amended by changing the heading of the definition of “*Dog kennels and dog daycare*” to “*Dog Kennel/Dog Daycare*”.

SECTION 4

That Chapter 34, Article X Definitions, Section 34-241, be amended by adding the definition of *Substance Abuse Counseling Center* to read as follows:

Substance Abuse Counseling Center shall mean any facility that provides substance abuse counseling practiced by a Massachusetts licensed professional, on an outpatient basis. A substance abuse counseling center shall **not** include any dispensing of medication to treat substance use disorders. The term substance abuse counseling center does not include hospitals, medical marijuana treatment centers, or substance abuse treatment centers. Any facility that dispenses any medication for the treatment of substance use disorders shall be determined to be a Substance Abuse Treatment Center and subject to that definition.

SECTION 5

That Chapter 34, Article X Definitions, Section 34-241, be amended by changing the definition of *Light Industry or Light Manufacturing* as follows:

Changing subsection 1(b) to read: Laboratory or research establishments, including renewable or alternative energy research and development facilities.

And

Adding a new subsection 1(f) to read: Renewable or alternative energy manufacturing facilities.

SECTION 6

That Chapter 34, Article III Use Regulations, be amended by adding a new Section 34-52 as follows:

Sec. 34-52. Retail Business (BR) District

(a) Residential dwelling units within the Retail Business (BR) District shall be prohibited from being located in the basement and ground floor.

And

Delete subsection (a) of Chapter 34, Article IV Dimensional Regulations, Section 34-77, which reads as follows

(a) Retail Business (BR) District. A residential use or business use with dwelling permitted in the Retail Business District shall conform to the requirements of height, lot size, yard, useable open space, and floor area ratio as provided for in the R2 district.

SECTION 7

That Chapter 34, Article II Zoning Districts, Section 34-29 and the accompanying Zoning Map be amended by extending the Light Industrial/Office 2 (LI2) District from Parcel 59-54 and Parcel 59-68 to Parcel 59-42 and Parcel 59-69.



SECTION 8

That Chapter 34, Article XIII Table of Principle Use Regulations, Section 34-300, be revised as follows for the uses set forth below:

	R1	R2	R3	BR	BR2	BH	B	SC	W	I	LI	LI2	NHR	NHC
Bakery, delicatessen, candy, fish, including accessory food service	N	N	N	Y	Y	Y	SP	Y	Y	N	SP	SP	N	Y
Food Handling and Preparation Facilities	N	N	N	N	N	N	N	N	N	SP	SP	SP	N	N
Restaurant, including service of alcoholic beverages	N	N	N	Y	Y	Y	Y	Y	SP	SP	SP	SP	Y	Y
Bank, financial agency	N	N	N	Y	Y	Y	SP	Y	Y	Y	SP	SP	Y	Y
Dog Kennel/Dog DayCare	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP	N	N
Convenience store with hours of operation not exceed 5:00 am to 11:00 pm	N	N	N	SP	SP	SP	SP	SP	N	SP	N	N	N	SP
Gasoline sales with convenience store	N	N	N	N	N	SP	SP	SP	N	SP	N	N	N	N
Substance abuse counselling center	N	N	N	N	N	SP	N	SP	N	SP	N	SP	N	N
Assisted and/or independent living facility	N	SP	SP	SP	SP	N	N	N	SP	N	N	N	SP	N

SECTION 9

That Chapter 34, Article XII Table of Required off-Street Parking Spaces, Section 34-283 be amended by changing the second subsection under Dwellings as follows:

Each dwelling unit in a building containing three or more dwelling units except in the Waterfront (W), Naval Hospital Residential (NHR), Residential 3 (R3), and Retail Business (BR) Districts	1.5 parking spaces, except for the following: two in the Waterfront (W) District; one space in the Naval Hospital Residential (NHR) District and Residential 3 (R3) District; and 0.5 spaces in the Retail Business (BR) District. Plus 0.5 additional spaces for each bedroom in excess of two in any unit in all zoning districts.
---	--

SECTION 10

That Chapter 34, Article VII Special Residential Regulations be amended by adding a new Section 34-156 Inclusionary Housing, which shall read as follows:

Section 34-156. Inclusionary housing.

(a) Purpose and Intent

The purpose of this Section is as follows:

- ~~(1) To ensure that all development or redevelopment of ten or more dwelling units generates a minimum of ten percent affordable housing units which qualify for listing in the Massachusetts Department of Housing and Community Development's (DHCD) Subsidized Housing Inventory (SHI);~~
- ~~(2)~~(1) To ensure that ~~such~~ affordable housing is made available to ~~all~~ eligible households on a non-discriminatory basis in accordance with the federal Fair Housing Act of 1968 and M.G.L. c. 151, as amended, and any regulations promulgated under federal and state law;
- ~~(3)~~(2) To ensure that such housing remains affordable over the long term, and that to the extent allowed by law, preference is given to Chelsea residents;
- ~~(4)~~(3) To maintain an economically integrated community by promoting a mix and distribution of affordable housing opportunities throughout Chelsea;
- ~~(5)~~(4) To increase the production of affordable housing units to meet existing and anticipated housing and employment needs within the City;
- ~~(6)~~(5) To mitigate the impacts of commercial and residential development on the availability and cost of housing and especially housing affordable to low and moderate income households;
- ~~(7)~~(6) To provide a mechanism by which ~~an Applicant petitioner~~ Applicant can contribute in a direct way to increasing the supply of affordable housing through the creation of affordable housing units and fee-in lieu contributions from the application of this Section.

(b) Definitions

~~*Affordable Housing Deed Rider:* A deed rider or other legally binding instrument in a form consistent with the Local Initiative Program (LIP) requirements and acceptable under the LIP that will ensure the affordability of the Affordable Housing Unit (AHU) for a term of years established by the Zoning Board of Appeals, but no less than forty years, that is appended to the deed to an AHU.~~

Affordable Housing Restriction (AHR): A ~~Deed R~~ider, covenant, contract, mortgage agreement, and/ or other legal instrument, acceptable in form and substance to the City, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and that provides for the administration, monitoring, and/or enforcement of the restriction during the term of affordability. An AHR shall be placed on the land in perpetuity or for the maximum period that is legally permissible by Massachusetts General Laws (M.G.L.)~~allowed by law~~, and entered into as an agreement under the provisions of M.G.L. c. 184, Sections 31 to 33 or other equivalent state law.

Affordable Housing Trust Fund (AHTF): The fund administered by the Affordable Housing Trust Fund Board (AHTFB).

~~*Affordable Housing Trust Fund Board (AHTFB):* The Affordable Housing Trust Fund Board (AHTFB) oversees the City of Chelsea's Affordable Housing Trust Fund. Pursuant to Part II, Section 18 of the City of Chelsea Code of Ordinances, Tthe AHTFB shall serve as the municipal affordable housing trust fund organized under Chapter 44, Section 55C of the Massachusetts General Laws [M.G.L. c. 44, § 55C]. The AHTFB advises and assists in the creation of a new affordable housing and the preservation, rehabilitation and maintenance of existing affordable housing in the City of Chelsea. The AHTFB is authorized to receive and accept contributions to the AHTF. The board ensures the monies in the AHTF are used appropriately. The AHTFB is authorized to receive and accept contributions to the trust fund.~~

Affordable Housing Unit (AHU): A residential unit that is restricted by deed in its sale, lease, and/or rental to a Qualified Income-Eligible Household at specific price limits not to exceed 30% of their income that may qualify such residential unit for inclusion in the ~~Massachusetts Department of Housing and Community Development's (DHCD)~~ Subsidized Housing Inventory (SHI).

Area Median Income (AMI): The median ~~family income, adjusted for household size, for the Metropolitan Statistical Area that includes the City of Chelsea, as determined by the U.S. Department of Housing and Urban Development (HUD).~~ household income as defined by HUD pursuant to section 3 of the 42 U.S.C. 1437 (the Housing Act of 1937), as amended, adjusted for household size.

DHCD: Massachusetts Department of Housing and Community Development and its successors, as established and currently existing pursuant to M.G.L. Ch. 23B and c. 6A.

HUD: United States Department of Housing and Urban Development.

Inclusionary Housing Project: Any new construction or substantial improvement of an existing structure(s) where the proposed development or redevelopment ~~of-will result in~~ ten or more dwelling units on one or more contiguous parcels, whether such units are proposed as-of-right, under a special permit process, or proposed pursuant to “the Subdivision Control Law” M.G. L. c. 41, Sections 81K to 81GG inclusive, including divisions of land that do not require subdivision approval (ANR plans).

Local Action Unit (LAU): Affordable housing units that are created through local municipal action other than comprehensive permits; for example, through special permits, inclusionary zoning, conveyance of public land, utilization of Community Preservation Act (CPA) funds, etc.

Local Initiative Program (LIP): State housing initiative administered by DHCD to encourage communities to produce affordable housing for low- and moderate-income households. The program provides technical and other non-financial assistance to cities or towns seeking to increase the supply of housing for households at or below 80% of the area median income. LIP-approved units are entered into the subsidized housing inventory (SHI) pursuant to Chapter 40B. A program administered by the Massachusetts Department of Housing and Community Development (DHCD) to encourage cities and towns to create low and moderate income housing through means other than a comprehensive permit under M.G.L. c. 40B.

Low or Moderate Income Housing: Any units of housing for which a Subsidizing Agency provides a Subsidy under any program to assist the construction or substantial rehabilitation of low or moderate income housing, as defined in the applicable federal or state statute or regulation, whether built or operated by any public agency or non-profit or Limited Dividend Organization. If the applicable statute or regulation of the Subsidizing Agency does not define low or moderate income housing, then it shall be defined as units of housing whose occupancy is restricted to a household of one or more persons whose maximum income does not exceed 80% of AMI, or as otherwise established by the guidelines for the Subsidized Housing Inventory and 760 CMR 56.00, as amended.

Market-Rate Housing: A residential unit that is not restricted in its sale, lease, and/or rental at specific price limits.

Qualified Income-Eligible Household: A household with combined incomes that do not exceed 80 percent AMI of the median income for the Metropolitan Statistical Area that includes the City of Chelsea, with adjustments for household size as reported by the most recent information from the United States Department of Housing and Urban Development (HUD), or successor, and/or the Massachusetts Department of Housing and Community Development (DHCD), or successor.

Qualified Purchaser: Qualified Income-Eligible Household that purchases and occupies an Affordable Housing Unit as its principal residence.

Qualified Renter or Qualified Tenant: Qualified Income-Eligible Household that rents and occupies an Affordable Housing Unit as its principal residence.

Subsidizing Agency: Any agency of state or federal government that provides a Subsidy for the construction or substantial rehabilitation of Low or Moderate Income Housing. If the Subsidizing

Agency is not an agency of state government, the DHCD may appoint a state agency to administer some or all of the responsibilities of the Subsidizing Agency with respect to 760 CMR 56.00.

Subsidy: Assistance provided by a Subsidizing Agency to assist the construction or substantial rehabilitation of Low or Moderate Income Housing, including direct financial assistance; indirect financial assistance through insurance, guarantees, tax relief, or other means; and non-financial assistance, including in-kind assistance, technical assistance, and other supportive services. A leased housing, tenant-based rental assistance, or housing allowance program shall not be considered a Subsidy for the purposes of 760 CMR 56.00.

Subsidized Housing Inventory ("SHI"): t compiled by the DHDC by city or town containing the count of Low or Moderate Income Housing units consistent with the provisions of 760 CMR 56.00.

SHI Eligible Housing: Solely for the purposes of 760 CMR 56.03, (a) any unit of Low or Moderate Income Housing, (b) such other housing units in a Project as may be so defined under the DHCD's guidelines, and, (c) any other housing unit as may be allowed under the DHCD's guidelines, provided that such housing unit is subject to a Use Restriction and Affirmative Fair Marketing Plan, and regardless of whether or not such unit received a Subsidy

Substantial improvement: Any repair, reconstruction, modernization or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (1) Before the improvement or repair is started; or (2) if the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement is not defined as a project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that is solely necessary to assure safe living conditions. The market value of the structure shall be calculated by the Applicant, and submitted to the Department of Planning and Development for review and approval.

(c) Applicability.

The provisions of this Section shall apply to any new construction or substantial improvement of an existing structure(s) where the proposed development or redevelopment ~~of will result in~~ ten or more dwelling units on one or more contiguous parcels, whether such units are proposed as-of-right, under a special permit process, or proposed pursuant to the Subdivision Control Law M.G.L. c. 41, Sections 81K to 81GG inclusive, including divisions of land that do not require subdivision approval (ANR plans). The following provisions shall be required for all inclusionary housing projects.

- (1) In any development subject to this Section, at least 10 percent of the dwelling units shall be Affordable Housing Units (AHU). For inclusionary housing projects that require fractional units please see subsection (e)(4). Nothing shall preclude an ~~petitioner~~Applicant from providing more AHUs than the number required.

- (2) Each AHU created under this Section shall be sold or rented to a Qualified Income-Eligible Household, except that when the ~~petitioner~~Applicant provides at least one-half of the required AHUs for households with income at or below 50 percent of AMI, adjusted for household size, the remaining AHUs may be sold or rented to households with incomes up to 100 percent of AMI, adjusted for household size, if approved by the City of Chelsea Department of Planning and Development.
- (3) No ~~building-occupancy~~ permit shall be issued for any unit in the development until the Director of Inspectional Services/Zoning Enforcement Officer receives verification that the AHR has been approved ~~by DHCD and~~ the City of Chelsea Department of Planning and Development and has been recorded with the Suffolk County Registry of Deeds.

(d) Exemptions

- (1) This Section shall not apply to the rehabilitation of any building or structure wholly or substantially destroyed or damaged by catastrophe, provided that no rehabilitation or repair shall increase the number of bedroom or dwelling units on the lot as existed prior to the damage or destruction thereof, except in conformance with this Ordinance.
- ~~(1)(2)~~ New construction or substantial improvement of an existing structure(s) where the proposed development or redevelopment will result in ten or more dwelling units, and the project includes a Subsidy for at least 10 percent of the total units from a Subsidy Program which is considered by DHCD as eligible for the purposes of M.G.L. c.40B, sections 20-30, 760 CMR 56.00, as may be modified. Evidence of funding commitments must be provided prior to the issuance of a building permit.

(e) Mandatory Provision of Affordable Units

The ~~Zoning Board of Appeals~~Department of Planning and Development shall require that the ~~petitioner~~Applicant comply with the following provisions for Inclusionary Housing Projects.

- (1) *Siting*: Affordable housing units shall be dispersed and sited throughout a development so as not to be in less desirable locations than the development's market-rate units.
- (2) *Design and Construction*: Affordable housing units shall be comparable to and indistinguishable from market-rate units in interior and exterior building materials and finishes, windows, appliances, and other improvements related to the energy efficiency of the units.
- (3) *Rights and Privileges*: Owners and tenants of AHUs and market-rate units shall have equal rights and privileges to access and use of the development's amenities and facilities.
- (4) *Fractional Units*: Where the required number of AHUs results in a fraction the ~~Petitioner~~Applicant shall round up to the nearest whole number or make a fee in lieu contribution equal to but not less than that fraction multiplied by the fee outlined in (f)(2) of

~~this Section. \$150,000 per required AHU or an amount adjusted by a majority vote of the Zoning Board of Appeals upon approval by the City Manager.~~

- (5) *Phasing*: Affordable housing units shall not be the last units to be built in any development and/or redevelopment covered by this Section ~~V.H.~~
- (6) *Non-Avoidance by Phasing or Segmentation*: A development shall not be phased or segmented in a manner to avoid compliance with this Section. The Zoning Board of Appeals or Planning Board shall not approve any application for new construction or substantial improvement to a structure(s) where the development or redevelopment ~~that~~ results in ten or more ~~new~~ dwelling units if the land or parcels of land were held in common ownership (including ownership by related or jointly controlled persons or entities) and were subdivided or otherwise modified within the previous five years to avoid compliance without complying with this Section. ~~Dwelling units shall be considered as part of a single development if located either on a single parcel or contiguous parcels of land that have been in the same common ownership at any time subsequent to the date of adoption of this Section.~~ This Section shall also be enforceable against purchasers of land previously held in common ownership with land that received, after the date of adoption of this Section, approvals or permits for development, to the effect that units developed under such previous development shall be counted toward the calculation of number of units under this Section.

(f) Fees-in-Lieu-of Affordable Housing Units

- (1) As an alternative to the requirements of Subsections (c) and (e) of this Section, and at the sole discretion of the Zoning Board of Appeals upon a recommendation from the Department of Planning & Development, the developer may contribute a fee to the City's AHTFB in lieu of providing a portion of the required AHUs within the proposed development.
- (2) The fee in lieu of providing one or more AHUs shall be ~~\$150,000~~ the average cost for the Applicant to construct each unit in a proposed Inclusionary Housing Project per times the number of required AHUs not provided within the development. In order to determine the cost to construct each unit, the Applicant, prior to the issuance of a building permit, shall submit a pro forma or similar detailed financial analysis outlining the cost of development for the whole Inclusionary Housing Project to the Department of Planning and Development for their review and approval. This fee may be adjusted by a majority vote of the ~~Zoning Board of Appeals upon approval by the City Manager~~ AHTFB.
- (3) Any payment to the AHTFB as an in lieu contribution for AHUs shall be made as follows: at least 50% of the total owed prior to the issuance of a Building Permit; and the remaining total owed prior to the issuance of an Occupancy Permit.

(g) Restrictions

- (1) *Restrictive documents*: To ensure unit affordability, AHUs shall be rented or sold subject to applicable AHR, acceptable to the ~~City and established in accordance with the standards of the DHCD, or its successor entity~~, or such additional programs as may be adopted by the Commonwealth or its agencies, restricting the use and occupancy, rent level, and sales price of such AHUs.
- (2) *Term of Affordable Housing Restriction*: An AHR shall ensure that AHUs created under this section shall remain affordable in perpetuity or for the longest period of time as legally permissible~~allowed by law~~. All AHRs, deed riders, and covenants~~restrictive documents~~ shall be enforceable and renewable by the City pursuant to applicable law.
- (3) *Subsequent Resale/Lease*~~DHCD SHI~~: An AHU shall be restricted in its initial and any subsequent sale, lease, and/or rental to a Qualified Income-Eligible Household at a specific price limit that will qualify such residential unit for inclusion in the DHCD SHI.
- (4) *Selection of Eligible Tenants and Homeowners*: The Applicant shall conduct~~There shall be a~~ fair and reasonable procedure in compliance with fair housing laws for the selection of tenants for affordable rental units and for the selection of homeowners for affordable homeownership units. Prior to implementing such procedures, the Applicant shall submit an Affirmative Fair Housing Marketing Plan to be reviewed and approved by the Department of Planning and Development. The City may contract with a quasi-public, public, and/or private entity, experienced in affordable housing operation, for provision of tenant and homeowner selection services but shall be required to monitor the performance of any private entity providing such services and shall retain final responsibility for ensuring compliance.
- (5) *Income and Asset Limits*: The Applicant shall verify and provide evidence to the Department of Planning and Development that the~~Qualified Income-Eligible Household~~ income of prospective Qualified Income-Eligible Households, whether purchasers ~~and or~~ renters, shall not exceed 80 percent or 100%, pursuant to subsection (c)(2), of area median income~~AMI~~ based on household size as determined by HUD. A Qualified Purchaser or Qualified Renter shall also be required to demonstrate that total household assets, other than income, are not so high that a household has no substantial need of a rental unit with a reduced rent or of an ownership unit with a reduced purchase price.
- (6) *Occupancy*: The AHR for AHUs shall require, whether the unit initially is sold or rented, that the occupant of that unit must be a Qualified Income-Eligible Household. This provision shall ~~not~~ prohibit a unit initially designated as owner-occupied from being leased, ~~so long as it is a lease qualifying under this Section and the occupant is a Qualified Income-Eligible Household.~~

(h) Monitoring and Enforcement

- (1) *Monitoring of Rental AHUs*: Affordable housing units ~~AHUs~~ shall be subject to an AHR that contains limitations on use, occupancy, resale and rents, and provides for periodic monitoring to verify compliance with and enforce said restriction. Developers/owners of rental developments which include rental AHUs must submit to the City of Chelsea Department of

Planning and Development and the AHR, submit an annual statement of rent level, rental income, and verification of tenant income. ~~The annual report shall state any changes in income of tenants in AHUs, proposed changes in rent levels or proposed changes in designation of specific units.~~

- (2) *Monitoring of For Sale AHUs:* ~~If the Owner shall desire to sell, dispose of, or otherwise convey a unit governed by an AHR, the Owner shall notify the City of Chelsea, c/o the Department of Planning & Development prior to listing the property for-sale to ensure compliance with the AHR's resale provisions. Upon conveyance or resale, for sale AHUs shall be monitored by the City, DHCD, or a qualified third party for compliance with the AHR's resale provisions.~~
- (3) *Loss of Eligibility Status* ~~Eviction:~~ Nothing in this section shall be construed to permit eviction of a Qualified Purchaser or Qualified Tenant of an AHU due to a change of a household's income status or size ~~loss of his/her eligibility status~~ during the time of ownership or term of lease or rental.
- (4) *Transfer of AHU:* The restrictions governing an AHU shall ~~be enforced~~ remain upon resale, re-rental, and/or renewal of lease of the AHU. For owner-occupied units, the use restriction shall ensure that units may only be resold to Qualified Income-Eligible Household who are Qualified Purchasers ~~or Qualified Renters~~ consistent with the then applicable income ~~limits~~ qualifications process established by HUD, or successor, and/or the DHCD, or successor, and approved by the Department of Planning and Development.
- (5) *All Restrictions Remain in Effect:* Nothing in this ~~Ordinance-Section~~ shall be construed to permit any ~~AHR, Deed Rider~~, covenant, agreement, and/or other mechanism restricting such items as the use and occupancy, rent level, ~~and or~~ resale price of AHUs, and the enforcement thereof to expire prior to any maximum limitations set forth by applicable state law. It is intended that the restrictions required herein shall survive, to the limit allowed by law, including, but not limited to, bankruptcy and foreclosure.
- (6) *Timing of commitments:* All ~~contractual agreements~~ AHRs required hereunder and any documents necessary to ensure compliance with this section shall be approved as to content by the City of Chelsea Department of Planning and Development and ~~City of Chelsea~~ City Solicitor prior to the issuance of any ~~occupancy Building p~~ Permit, ~~for newly constructed, redeveloped, rehabilitated, and/or rental units.~~
- (7) *Approval of Form and Content of Legal Documents:* The ~~petitioner~~ Applicant shall be responsible for preparing any documentation required by DHCD in order to secure LIP approval of the AHU and ensure their eligibility for the DHCD SHI. Furthermore, the ~~petitioner~~ Applicants shall prepare all AHR and/or legal instruments required to comply with this Section, and such documents shall be in a form satisfactory to the ~~City of Chelsea~~ City Solicitor. The ~~petitioner~~ Applicant shall reimburse the City for reasonable legal expenses incurred by the ~~City of Chelsea~~ City Solicitor ~~in reviewing or revising said deed and legal instruments.~~

(8) *Recording of Restrictions:* ~~The special permit decision, if applicable, and a~~ All restrictive covenants ~~AHRs~~ required ~~under said special permit or pursuant to~~ this Section shall be recorded at the Suffolk County Registry of Deeds or filed with the Registry District of the Land Court, as applicable, prior to the issuance of any building permit for the development.

(i) Right of First Refusal

The AHTFB reserves the right of first refusal or option to purchase all "affordable" for-sale units at the point of original sale or any subsequent resale. This also applies to any subsequent sale of a rental property or units within a rental property. The purchase price shall be the lesser of the price that a household earning no more than 80% of the AMI could afford and pay no more than thirty (30) percent of household income in housing costs, or 90% of the then documented appraised value at sale time. The appraisal shall be performed by the Applicant after written review and approval by the Department of Planning and Development.

(ii) Needs Assessment Review

The City of Chelsea Department of Planning and Development, in cooperation appropriate Board and Commissions ~~with the AHTFB, the DHCD, and relevant agencies~~, shall undertake an ~~economic and~~ housing market ~~needs~~ assessment not less than every fifth calendar year from the date of enactment of this Section. The purposes of said assessment shall be to assess the performance of the provisions herein in terms of resultant AHUs, to assess any need for improved rules and regulations regarding implementation, and to ascertain the need for revision of any provisions of this Section relative to the provision of AHUs in the City. Provisions subject to review shall include, at minimum: revisions to applicability requirements of this Section, revisions to percentage requirements of AHUs in inclusionary housing developments, ~~revisions to income and affordability guidelines~~, and revisions to methodologies for monetary payments or other in lieu of means of compliance with provision of on-site units.

Upon completing its assessment the City of Chelsea Department of Planning and Development, ~~in cooperation with the AHTFB and other City Boards or Departments~~, shall recommend to the City Council any amendments to this Ordinance deemed necessary to improve the means of providing AHUs in the City.

SECTION 11

That Chapter 34, Article V General and Supplemental Regulations be amended by adding a new Section 34-111 Community Improvement Trust Fund which shall read as follows:

(A) The Community Improvement Trust Fund.

In any case where the Zoning Board of Appeals (ZBA), with the exclusion of single and two-family dwellings, grants a special permit or variance resulting in an increase in intensity of use, the ZBA shall require the applicant to make a payment into a Community Improvement Trust Fund only for that portion of the new structure or structures which: (1) extend into the area of

required open space from which the developer received relief; or (2) exceed the number of units, the FAR, the height, or the maximum building coverage beyond what is currently nonconforming allowed by right within the district in which they are located. The ZBA may waive the requirements of this Section upon a recommendation from the Department of Planning and Development.

Payments shall be made to the Community Improvement Trust Fund in two equal installments in a sum equal to three percent of the total construction cost beyond what percent of construction is allowed by right currently nonconforming. The first installment shall be made prior to the granting of any foundation or building permit, and the second installment shall be made prior to issuance of any temporary or permanent occupancy permit. The construction costs shall be determined by the Applicant and for the review and approval of the Department of Planning and Development. In determining the construction costs, the ~~Department of Planning and Development~~ Applicant shall use median square foot construction costs in the Boston metropolitan area as defined by any generally accepted construction cost estimating publication.

(B) Administration of the Fund.

The Community Improvement Trust Fund shall be established in the City Treasurer and shall be kept separate and apart from other moneys. Any moneys deposited in said fund shall be expended only at the direction of the City Manager as approved by the City Council for the purposes mentioned below. The City Treasurer shall be the custodian of the fund and may deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of saving banks under the laws of the Commonwealth or in federal savings and loan associations situated in the Commonwealth. Any interest earned thereon shall be credited to and become part of such Fund. The Fund shall be administered by the Department of Planning and Development.

(C) Expenditure of Funds.

Any moneys in the Fund may be expended only by a majority vote of the entire membership of the City Council and shall be appropriated only for the following purposes: infrastructure and public facilities directly impacted by the project which are included in the City of Chelsea's Capital Improvement Plan; traffic signalization improvements; sewer, water and drainage improvements; recreation and open space areas and the support of athletic programs; fire protection facilities and equipment; crime prevention facilities and equipment; school buildings and educational programs; and library improvements. Community Improvement Trust Funds may also be appropriated to support affordable housing initiatives and economic development activities in accordance with any of the City of Chelsea's housing and/or economic development plan. No moneys in this Fund shall be used for any purposes not included or directly related to the purposes listed above.

Section 12

That Chapter 34, Section 181 Interim Planning Overlay District (IPOD) be amended by adding a new subsection (e) Naval Hospital Interim Planning Overlay District (NHIPOD) which shall read as follows:

(e) Naval Hospital Interim Planning Overlay District (NHIPOD)

(1) Scope and declaration of need for interim zoning.

- a. This subsection (e) applies to the Naval Hospital Interim Planning Overlay District (NHIPOD).
- b. Interim zoning is necessary to establish guidelines that will maintain a proper balance of open space, commercial development, and residential development within the Naval Hospital Residential (NHR) and Naval Hospital Commercial (NHC) zoning districts. This interim zoning is intended to continue to address the following, all are taken into greater account in future land use decisions in the NHIPOD pending further rezoning:
 1. Recent and dramatic changes in local and regional economic growth pressures and ensure that visual and traffic impacts on neighborhoods are managed;
 2. The intent of the city's residents not to be subject to poorly planned large-scale development;
 3. The intent of the city's residents to have reasonable open space resources;
 4. The need to preserve and protect the city's natural resources;
 5. The need to encourage an economically sound mix of commercial and residential uses; and
 6. The need to ensure compatibility and consistency with surrounding land uses.
- c. The existing underlying Naval Hospital Residential (NHR) zoning was created for the purpose to redevelop a portion of the former naval hospital site for residential purposes. The existing underlying Naval Hospital Commercial (NHC) zoning was created for the purpose to redevelop a portion of the formal naval hospital site for office uses, recreational uses, and related purposes.
- d. The NHR and NHC districts have undergone significant large scale development since their inception in an unplanned manner on a significant amount of space in both districts. The purpose of NHIPOD is to develop guidelines that help aid in the siting of future large scale development so as to not encroach on existing development and open space.

(2) Physical boundaries. The NHIPOD shall be comprised of the Naval Hospital Residential (NHR) and Naval Hospital Commercial (NHC) zoning districts.

(3) Applicability. Unless otherwise exempt pursuant to this subsection, no permit to use, alter, construct, reconstruct or expand any buildings, structures or land within the Naval Hospital Residential (NHR) and Naval Hospital Commercial (NHC) zoning districts shall be issued by the building inspector. Proposed projects for which the zoning board of

appeals has granted approval prior to the adoption of the NHIPOD shall be exempt from such requirements. The following uses and projects shall also be exempt and instead shall be subject to the underlying zoning, as amended from time to time:

a. Any proposed project for which application to the building inspector for a building or use permit has been made prior to the first notice of public hearing for adoption of these amendments and for which no zoning relief is required provided such permit is exercised within six months and construction proceeds continuously to completion; and

b. Any proposed project for which petition for zoning relief has been made prior to the first notice of public hearing for adoption of this amendment, provided that such zoning relief is granted thereafter pursuant to such application and is exercised within six months and construction proceeds continuously to completion.

(4) Zoning regulations in effect; conflict provisions. In the event of a conflict between the NHIPOD and the underlying zoning, the NHIPOD shall govern. Upon expiration of this NHIPOD, the existing underlying zoning, as amended through the expiration date and including such zoning districts as remain in effect, shall be the sole set of zoning regulations for the NHIPOD.

(5) Interim use controls, design review guidelines, dimensional regulations.

a. Underlying uses.

1. Article XIII Table of Principle Use Regulations shall remain unchanged for the Naval Hospital Residential (NHR) and Naval Hospital Commercial (NHC) zoning districts.

b. Design review, dimensional regulations, permitted uses.

1. All uses, including underlying uses, permitted subject to site plan approval in accordance with section 34-215, and/or permitted on a special permit in accordance with section 34-214, and/or change in use in accordance with section 34-51 shall comply with design review guidelines set forth in section 34-155(i), as applicable.

(6) Enforcement. The building inspector shall not issue any building permit or change of use permit for a proposed project subject to this subsection (e), unless the proposed project is in accordance with this subsection (e) and with the performance standards of section 34-110.

(7) Subsequent amendments. While in effect, this subsection (or portions of this subsection) may be repealed or superseded by subsequent amendments to either this subsection or to the underlying zoning.

(f) *Timetables for NHIPOD and related rezoning.* A comprehensive rezoning of the NHIPOD shall be completed within the following timetable, unless extended by the city manager:

- (1) Mapping of existing uses, ownership and zoning, and the identification of uses will be completed within six months of the enactment of the NHIPOD.
- (2) Establishment of rezoning land use objectives, desired densities and uses for the NHIPOD study will be completed within nine months following enactment of the NHIPOD.
- (3) The hearing on any proposed zoning changes will be completed within 18 months from the enactment of the NHIPOD.
- (4) The NHIPOD shall be automatically dissolved 24 months after the enactment of the NHIPOD.

SECTION 13

That Chapter 34, Article VI Regulations for Specific Uses, be amended by adding a new Section 34-136 Food Trucks which shall read as follows:

Sec. 34-136. Food Trucks

(a) *Purpose and Intent.* The purpose of this Section is to allow for food trucks to operate in certain areas in the City of Chelsea to complement the City's food service industry and provide eating alternatives for persons working and living in the City of Chelsea.

(b) *Definition.* *Food Truck* means a motorized vehicle, other than a motor assisted bicycle or motorcycle, from which refreshments are cooked, carried, or offered for sale for consumption to the general public but does not mean trailers, push cars or non-motorized vehicles propelled by muscular power. This definition shall not include trucks that predominately sell ice cream to children."

(c) *Areas of Operation.* No person shall operate a Food Truck except in the following zoning districts: the Retail Business (BR), Business (B), the Highway Business (BH), the Industrial (I), and the Waterfront (W) zoning districts.

(d) *Limitation on Areas of Operation.* No person shall operate a Food Truck:

- i. Within 100 feet of a restaurant;
- ii. Within 300 feet of any elementary or secondary school;
- iii. On private property without the written consent of the property owner.
- iv. In a municipal park without the written consent of the Director of Public Works.

(e) *General Regulations.*

- i. Each Food Truck must obtain a License to operate issued by the Board of Health.
- ii. No person shall operate a Food Truck except during the hours of 8:00 a.m. and 8:00 p.m.
- iii. Each owner of a Food Truck shall maintain a logbook setting the location and duration of all stops.
- iv. A Food Truck shall not exceed: 2.6 meters in width (8.5 feet); 13.5 meters in length (44 Feet); or, 4,500 kilograms (9,920 pounds).
- v. A Food Truck may be allowed signage on the truck provided that no sign shall project from the truck and there shall be no free standing signs adjacent to the truck.
- vi. A Food Truck shall not emit exterior lighting in a manner so as to shine on adjacent properties or toward any street.

(f) Special Events: Provided the Food Truck is properly licensed, the Director of Inspectional Services may approve the operation of a Food Truck for Special Events in areas not otherwise zoned for such use, provided that the Food Truck operator submits written proof of an invitation to operate such Food Truck at the Special Event from the Special Event organizer.

(g) Parking Requirements.

- i. Food Trucks shall not park overnight on public property or private lands after operating hours except on land owned, leased or rented by the operator for the storage of the vehicle in compliance with the City's Zoning By-Law.
- ii. Food Trucks shall be exempt from hourly parking time limits on public property provided they are parked in legal parking spaces; actually engaged in the operation of the Food Truck business, and otherwise in compliance with this Section.
- iii. Food Trucks shall pull over to the side of the public right-of-way as far as practicable when stopping for the purpose of selling. In no event shall any Food Truck stop for the purpose of selling if such a stop prevents the passage of other motor vehicles on the public right-of-way.

SECTION 14

That Chapter 34, Article VIII Special Districts, Section 34-180 Airport Related Overlay District (AROD):

Changing subsection (c)(5) to read as follows: Vehicles for hire or return vehicles for hire

SECTION 15

That Chapter 34, Article II Zoning Districts, Section 34-29 and the accompanying Zoning Map be amended by changing the zoning district for the following parcels in Cary Square to Retail Business 2 (BR 2).

57-46	150 Washington Avenue
57-47	156 Washington Avenue
57-48	158 Washington Avenue
57-49	160 Washington Avenue
57-50	162 Washington Avenue
57-51	164 Washington Avenue
57-52	168 Washington Avenue
57-53	172 Washington Avenue
57-54	178 Washington Avenue
57-67	191-195 Washington Avenue
57-69	189 Washington Avenue
57-70	185 Washington Avenue
57-71	183 Washington Avenue

57-72	181 Washington Avenue
57-73	179 Washington Avenue
57-74	177 Washington Avenue
57-75	175 Washington Avenue
57-76	173 Washington Avenue
57-78	10 Forsyth St. (a portion)
57-146	5 Cary Avenue
57-147	157 Washington Avenue
57-148	151 Washington Avenue
57-156	132 Washington Avenue
57-157	138 Washington Avenue
57-158	144 Washington Avenue



SECTION 17

That Chapter 34, Article II Zoning Districts, Section 34-29 and the accompanying Zoning Map be amended by changing the zoning district for the following parcels in Prattville to Retail Business 2 (BR 2).

79-3	350 Washington Avenue
79-5	354 Washington Avenue
79-18	360 Washington Avenue
79-19	364 Washington Avenue
79-20	6 Hancock Street
79-35	389 Washington Avenue
79-36	383 Washington Avenue

79-37	381 Washington Avenue
79-38	373 Washington Avenue
79-39	369 Washington Avenue
79-40	365 Washington Avenue
79-41	357 Washington Avenue
79-82	353 Washington Avenue

